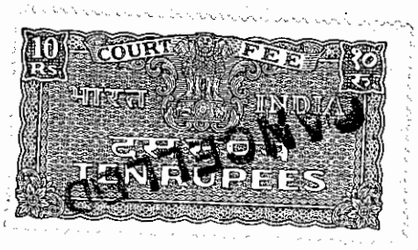

(3) SINGLE BENCH

C.F. 10/-

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRITE PETITION NO. 2672/2005

PETITIONER :- Santram son of Kanhaiya Lal Marar, aged about 65 years, resident of village Chakarbhatha, Tah. Bilha, District Bilaspur (C.G.).

P.R. No. 2748/05
Presented by Shri R.K. Vaishnav
dated 21/6/05

VERSUS

RESPONDENTS :-

1) The Sub Divisional Officer Revenue, Bilaspur.

2) The Additional Collector, Bilaspur (C.G.).

3) The State of Chhattisgarh Through - Collector, Bilaspur.

4) The Revenue Board, C.G. Bilaspur (C.G.).

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21.6.05
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WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

(19)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..W.P.No..2678 **सन्** 05 **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	29-6-2005 Shri Malay Kumar Bhaduri, counsel for the petitioner. Shri Yashwant Singh, Govt. Advocate for the State. Heard both the counsel. By this petition filed under Article 227 of the Constitution of India the petitioner has questioned the legality, propriety and correctness of the order dated 18-10-1994 passed by the S.D.O. Bilaspur in Revenue Case No.2/A-73/90-91, order dated 28-8-1998 passed by the Additional Collector, Bilaspur in case No.27/A-73/94-95 and the order dated 21-3-2005 passed by the Revenue Board, Bilaspur in Revenue Appeal No.267/A-73/2002-2003. The case of the petitioner is that he submitted an application to the Collector, Bilaspur on 26-7-1989 for correction and substitution of his name in respect of Kanhaiya Talab comprising Khasra No.364, P.H. NO.1, Area 1.33/0.539 hectare situated at village Chakarbhata and similarly a tank comprising Khasra No.373, area No.0.72/0.291 hectare situated at village Dhamani. Both the tanks were recorded in the name of father and grand father of the petitioner respectively. The tanks had been wrongly mentioned in the Patwari record as situated in two villages, therefore, by making an application to the Collector, the petitioner sought correction and substitution of his name in the Revenue Record in	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

respect of the above tanks. The said application came to be rejected by the S.D.O. and the appeal filed before the Additional Collector was also dismissed and the Revenue Board also dismissed the appeal.

I have perused all the 3 orders. There is concurrent finding that the tank in question belongs to the Government and the petitioner has not been able to show his Bhumiswami right and even the father of the petitioner in his life time never requested for correction of the records. There is concurrent finding of all the 3 Courts that the land in question where the tank is situated is a Government land. The petitioner has not been able to show that the predecessor of the petitioner was Bhumiswami of the said land, as such the application for correction and substitution was rejected.

In view of the concurrent finding of all the 3 Courts, I am of the opinion that the petitioner has not been able to make out a case for interference by this Court by invoking extraordinary jurisdiction. However, if the petitioner is not satisfied with the above order, the proper remedy available to the petitioner is to file regular civil suit, if so advised.

In view of the above, the petition stands disposed of.

Sd/-
L.C.Bhadoo
Judge

Barve

(पीछे देखिये)